

**Prepared Remarks of Commissioner Mignon L. Clyburn
Reverend Everett C. Parker Ethics in Telecommunications Lecture
Washington, D.C.
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Good Morning. I am pleased to join you in congratulating Carol Pierson and Marcellus Alexander on receiving their awards this morning. I got to know Carol a bit better in Minneapolis recently, when I attended the National Federation of Community Broadcasters Conference this past summer. Her policies have led to substantial benefits for community broadcasters. But, what impressed me the most, was seeing how resourceful these stations had become at serving their communities' ever evolving communications needs, with very limited budgets. The fact that these broadcasters are able to attract large numbers of volunteers to help them is a testament to their significance. We are all grateful to Carol.

I see Marcellus more often than Carol, and like you, know that he is a staunch ally of the Commission's long-held commitment to diversity and localism. For over 20 years, Marcellus has endeavored to realize his vision of broadcast radio—radio that doesn't merely publicize information, but radio that is rooted in the community. I think it is important that this and other organizations recognize the contributions that people like Carol and Marcellus, make in the area of media diversity and justice.

I can't think of a better way to begin a morning than being here as this year's guest for the Reverend Everett C. Parker Ethics in Communications Lecture. What an incredible opportunity to join you in thanking and recognizing Reverend Parker for his heroic contributions to the field of broadcasting, without which, the communications industry today would be more bleak. I would also like to thank Cheryl Leanza for her service to the UCC OC Inc. and for her ongoing contributions to fairness and equality in telecommunications, the UCC OC Inc. for choosing me as this year's speaker, and all of you for being here. Your presence affirms your concern and commitment to fairness and equality in communications. You are the true heroes of the field.

We all are an integral part of one of the fastest growing fields there is: the world of communications. Like the times, things have changed drastically; from universal broadband controversy to large telecommunication mergers. Some say this is a time for optimism and robust business opportunity. Others say it is the beginning of the end; the end of ethical and responsible broadcasting; the end of diversity, of public rights, of the free flow of information. For those who are less optimistic, I hold up lectures such as these as an example of communities dedicated to preserving the aforementioned attributes. For here, we are celebrating Reverend Parker and the UCC, who have fought as advocates of public rights in broadcasting and whom we look to as inspirations in the continuing fight. By looking at their contributions, we remain hopeful that ethics, diversity, and public rights will always be defended by community advocacy.

As the daughter of a retired librarian and former high school history teacher, I know that it is in our best interests to always be mindful of the past so that we might better understand how much more we are charged to do. Therefore, I feel that, in order

for us to accurately understand our modern communications field, it would be beneficial for us to take a quick look at the past.

This year, the FCC has been named the most improved agency in the federal government by the 2010 Office of Personnel Management, and for that we are quite proud. In the 1960s and 1970s, however, there were actions this agency took that, through today's lenses, would not earn them the same praise. Reverend Parker and others can tell it best. During those years, they brought to the FCC evidence that some broadcasters were engaged in blatant injustice and inequality. But back then, the FCC, whose job it was to combat these wrongs, failed to take action.

Many of you know how this story goes and the message reverberates to this day. We know how, in 1964, residents in Jackson, Mississippi, watching the "Today Show," were treated to a glimpse of Justice Thurgood Marshall, then-counsel to the NAACP. However, his image would only be viewed for a second, as the feed was suddenly cut in what WLBT-TV called poor image transmission. It was later revealed that this was a deliberate move to cut the feed. This was a station that enjoyed a 40% viewership by African-Americans and it was obviously not acting in the interest of those viewers.

Not only was the station acting against the "public interest, convenience and necessity" clause of the federal Communications Act; but the actions of that station helped perpetuate the exclusion of African Americans from the basic facets of democratic life. For those of us from South Carolina, you know that we refer to this as the "News Black Out" a time where newspaper publishers in South Carolina gathered and agreed among themselves to ignore the efforts and protests of communities of color and their supporters in order to minimize their significance and their impact.

May I see a show of hands of those in the audience who have heard of Ms. Sarah Mae Flemming? I see no hands. Well, Ms. Sarah Mae Flemming was a South Carolina resident who refused to give up her seat on a bus in 1954. But, after she took that noble and courageous stand, very few people heard about because of the "News Black Out." As a result, Ms. Sarah Mae Flemming lost her place in history.

Unfortunately, many of the noble accomplishments of countless South Carolinians during those turbulent years were never memorialized by the very publications they relied on for news and information. And as Reverend Parker showed those years ago, the right to access broadcasting facilities is an extension of our Constitution's guarantee of free speech and is therefore a fundamental right.

It took Reverend Parker and the UCC to show broadcasting stations how wrong these practices were. But, these efforts did not come easy. The FCC first ruled that neither the UCC nor the public had standing to participate in the licensee renewal process. And, when given a second chance, the FCC once again stumbled and outright refused the UCC's petition to deny WLBT's license. Finally, enough was enough, and in the landmark case *Office of Communication of the United Church of Christ v. Federal Communications Commission* (1966), the U.S. Court of Appeals for the D.C. Circuit revoked that station's license, and delivered a special message for the FCC, of which I

will paraphrase to the best of my ability: you are wrong. This case not only set precedent for diversity in the media, but it opened the regulatory and judicial process to everyday people who now had standing to challenge perceived injustices.

Reverend Parker and the UCC continued to fight for equality in the broadcast industry, as was evidenced, by their 1967 petition to the FCC, concerning equal employment. This ultimately led to the Commission adopting Equal Employment Opportunity rules. To this day, the UCC continues to check the Commission's review of EEO rules. Next, there would follow a 1973 challenge to non-commercial licenses held by the Alabama Educational Television Commission, which had refused to carry PBS programming and news stories that showed African-Americans. Yet again, the FCC had to be reminded of its duty to work only in the public's interest.

I have always thought the FCC works best when overseen by, in my opinion, the greatest of all regulatory bodies: the American public. Today, I hope you will join me in ensuring that the FCC becomes more focused and efficient in carrying out its mission. It is up to me, the other Commissioners, as well as public interest groups, such as the UCC OC Inc., to work hard to make sure the mistakes of the past are never repeated. We must work towards the type of media justice, such that we allow for diverse voices to be heard, which ultimately makes for a more perfect democratic community. I dare not think of how the state of telecommunications would be today had the UCC and Reverend Parker not fought for diversity; though I have a good idea that individuals such as myself would not be where they are today, and diversity in all facets of life from schoolrooms to workrooms would be less evident.

And the fight, as you know, continues. Today, the Commission is faced with new challenges. As technology in communications advances, new oppositions to fairness and equality emerge. But, I am proud to say that this Commission is well equipped and more than willing to face them head on.

Years ago, the advent of telephone and television opened new windows of opportunity as society became connected in entirely new and different ways. Not only did telephones allow us to communicate across large distances in real time, but television broadcasts freed communities from information isolation. However, those same channels were run by network executives who made everyday decisions on what to put on the air.

It therefore follows that they did, in fact, control what people would be talking about the next day and what information they would or would not have. Then, during the late 1980's, society learned about a new innovation -- the World Wide Web. With the Internet, all borders, real or imagined were erased and society became able to learn, write, think and access information with an unprecedented amount of freedom, truly a symbol for all that our country stands for. It goes without saying that, today, had WLBT pulled a stunt like they did in Jackson, Mississippi, within 10 minutes everybody would have known about it, either by email, twitter, Skype or instant messages. Within 15 minutes, comment posts would litter the message boards, and within 20 minutes, 5 different blog posts would be circulating the web. If one of those blogs happened to be particularly well written, we're talking an article in tomorrow's newspaper.

Access to basic broadband has taken the way we experience the world to a whole new level, it has become the thread that connects modern society. The benefits of broadband are limitless though it is still a relatively new technology. Access to broadband means access to better education, healthcare, job opportunities, news and information.

In the name of efficiency, convenience, and progress, consumers can now access their personal banking from home. Colleges and universities have moved towards online applications and virtual tours. The number of online universities has increased to satisfy the growing demand for distance learning and education for working adults. Many libraries have extended their collections to include e-libraries and e-books and other online services. Retailers have established websites for e-commerce.

Forward-thinking entrepreneurs have started investing in Internet startups, forsaking the cost of operating a physical location, and opting for online only businesses. Job seekers have the ability to search job listings and post their resumes electronically. Even the government has jumped into the action by extending its services online, allowing for the faster processing of applications with many sites available in a number of different languages.

With grocery and other retail delivery services, movies, television, email, video conferencing, minute-to-minute news and other sources of information, the Internet has truly become society's connector, dare I say its lifeline. Exclusion from broadband would prevent Americans from participating in the very basic facets of today's society.

Thus, my enthusiasm for this technology is hampered only by the ugly reality that many Americans cannot access it. The battle for fairness and equality has extended from broadcasting to broadband. An FCC survey estimates that 14 to 24 million Americans do not have access to adequate broadband infrastructure, and approximately 100 million Americans do not have broadband at home. Even more upsetting is the estimate that only 10% of tribal lands have access to broadband due to lack of adequate infrastructure to support extended service.

Adoption rates are lower among specific populations. Only 50% of rural Americans, 35% of the elderly, 42% of people living with disabilities, 59% of African-Americans, and 49% of Hispanics have adopted broadband service at home. Why do these groups not adopt this technology? Here are the two most cited types of barriers: affordability and lack of digital literacy. Affordability issues mean that consumers have to choose between paying for basic necessities and paying for broadband, while others do not consider broadband important enough to adopt, as opposed to adopting basic cable.

Many Americans do not have the skills necessary to use broadband and use it effectively. This means they lack knowledge of how to conduct a basic search, download content, and how to safely utilize the Internet. Some Americans do not understand how broadband can benefit them and do not consider the cost worthwhile. There are many barriers to adoption and they are most often cited by lower income and minority groups.

It is the sad fact that the populations, that would benefit the most from broadband, have the lowest rates of adoption.

For years, the government has been tiptoeing around implementing any long-term solutions to this problem. That changed when President Obama was elected and appointed a new FCC Chairman and two new Commissioners. One of the first acts that FCC Chairman Genachowski did was form a team to prepare a National Broadband Plan. Developing that Plan was one of the FCC's top priorities until the Plan was released in March of this year. People should not have to choose between paying the food bill and paying the broadband bill. Thus, one of the most important goals of the plan is that Americans have access to affordable broadband and the means and capabilities to use it. This means we must create incentives for broadband adoption.

It is essential that we extend broadband coverage to underserved communities, while promoting adoption of the technology by addressing barriers to entry. That is why I believe in the broadband plan's push for reforming the Universal Service Fund (USF), which would help extend coverage while implementation of the National Digital Literacy Program, and reforming the Link-Up America and Lifeline Assistance programs, would help with the affordability and digital literacy problems of adoption.

The USF was designed to subsidize telephone costs incurred by companies to extend telephone services to all Americans. And it has done an incredible job of connecting nearly all Americans. Considering that the way we communicate, from using telephone to the Internet, it is essential now that we extend the USF to cover broadband services. However, we must see to it that the fund consists of organized and efficient programs, and that it is free of fraud, waste, and abuse.

Public interest groups noted that much of the allotted federal funds were used to provide service to areas where telecom companies would have serviced even without USF support. The Commission noted its inefficiencies by finding that recipients of USF funding are not required to report the extent to which they use the funding to extend broadband cable networks. It is important that we improve the USF's performance and accountability to ensure that public funds, your funds, are being used properly and in the public interest. Part of reforming the USF, and it is highlighted in the National Broadband Plan, is the consideration of implementing the Connect American Fund (CAF) which would take the place of the current High Cost program. The CAF would focus on areas "where there is no private-sector business case" to providing service. The ultimate goal of these changes is to get more than ninety-nine percent (99%) of Americans connected by 2020.

The other part of the Broadband Plan's goal to facilitate broadband adoption, is to make broadband more affordable by expanding Lifeline Assistance and Link-Up America. And the proposed National Digital Literacy Program, would help to increase the capacity of libraries and community centers to teach basic digital skills training to those who need to learn.

One part of the proposed program, which I wholly support, is the creation of the National Digital Literacy Corps. This would be similar to programs such as AmeriCorps and SeniorCorps. By sending ambassadors skilled in digital applications to local communities, we can target areas with below average adoption rates. This would include low-income and rural communities as well as tribal lands and areas populated by low adopting minorities. Just who might these skilled ambassadors be? The economic stumble has provided us with workers who are searching for employment opportunities and young people graduating from college who are committed to doing volunteer work in their communities. With their help, we can help everyone experience broadband's potential.

It is evident that we, as protectors of fairness and diversity in communications, have a lot on our plate. But I look forward to this challenge. A recent court decision seems to have placed limits on the Commission's power to implement some of these much needed initiatives, but perhaps it is the optimist in me. I just do not see this decision as a permanent setback.

Rather, we must think long and carefully about the policies that we seek to implement. With the Court's decision in the *Comcast* case, our nation needs to work extra hard, to develop legally sound rules in order to preserve the open Internet. After all, the policies that we implement will determine in which direction the communications industry will go and how we get there. These policies will impact future generations and what they have access to.

The field of Communications may have changed significantly over a relatively small period of time, but so has the Commission. And I believe that it has changed for the better. We will continue to fight to preserve those freedoms which we've come to expect, whether it's on broadcast or cable, wire-line, wireless, or any other communications platform.

So again thank you, Reverend Parker, for your pioneering contributions to fairness and equality in telecommunications. And thank you all, for showing your continued commitment to such important public interest goals. Godspeed and good morning.